

REMARKS

In the Office Action mailed February 21, 2008, (hereinafter, "Office Action"), the Examiner rejected claims 1-60 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0097270 to Musselwhite et al. (hereinafter, "*Musselwhite*").

By this response, Applicants hereby amend claims 1, 2, 4-7, 9-18, 20, 21, 23-26, 28-37, 39, 40, 42-45, and 47-56, and cancel claims 8, 27, 46, and 58-60, without prejudice or disclaimer. In addition, Applicants amend the specification to correct for typographical errors. No new matter has been added. Accordingly, claims 1-7, 9-26, 28-45, and 47-57 are currently pending.

I. Claim Rejection under 35 U.S.C. § 102(e)

Claims 1-60 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Musselwhite*. Claims 8, 27, 46, and 58-60 have been canceled, thereby rendering the rejection of claims 8, 27, 46, and 58-60 moot. In light of the foregoing amendments and based on the reasoning presented below, Applicants respectfully traverse the rejection of claims under 35 U.S.C. § 102(e), and request allowance of pending claims 1-7, 9-26, 28-45, and 47-57.

A proper anticipation rejection requires that "each and every element set forth in the claim be found, either expressly or inherently described, in a single prior art reference." *M.P.E.P.* § 2131. In addition, "[t]he elements must be arranged as required by the claim . . ." *Id.* (emphasis added).

The Examiner alleges that *Musselwhite* discloses the recitations of each of the independent claims. *See e.g.*, Office Action, pp. 2 and 6. Applicants respectfully disagree. Indeed, Applicants note that the Examiner neglected to identify any

disclosure of *Musselwhite* corresponding to “defining at least one condition for the financial account,” as recited in amended independent claim 1. *See id.* Therefore, for at least this reason, the rejection of claim 1 under 35 U.S.C. § 102(e) is legally deficient, and should be withdrawn.

Further, *Musselwhite* fails to disclose all of the recitations of Applicants’ amended independent claim 1. Therefore, the rejection of claim 1 under 35 U.S.C. § 102(e) is legally deficient, should be withdrawn, and the claim allowed.

Independent claims 20 and 39, although of differing scope, recite elements similar to those of independent claim 1, and are allowable for at least the same reasons. Therefore, the rejection of independent claims 20 and 39 under 35 U.S.C. § 102(e) is legally deficient, should be withdrawn, and the claims allowed.

Claims 2-7 and 9-19 depend from amended independent claim 1. Claims 21-26 and 28-38 depend from amended independent claim 20. Claims 40-45 and 47-57 depend from amended independent claim 39. As discussed above, *Musselwhite* does not support a rejection of amended independent claims 1, 20, and 39. Therefore, dependent claims 1-7, 9-26, 28-45, and 47-57 are allowable for at least the same reasons as set forth above in connection with their corresponding independent claims.

II. Conclusion

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 15, 2008

By:


Joseph E. Palys
Reg. No. 46,508